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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 10-00439-JF
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING DATE
13 vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
14 OCTAVIO CARDENAS-RESENDIZ,)	
)	
15 Defendant.)	
16)	

17 STIPULATION

18 Defendant Octavio Cardenas-Resendiz, by and through Assistant Federal Public Defender
19 Nicholas Humy, and the United States, by and through Special Assistant United States Attorney
20 Brad Price, hereby stipulate that, with the Court's approval, the status hearing currently set for
21 Thursday, July 1, 2010, at 9:00 a.m., shall be continued to Thursday, July 15, 2010, at 9:00 a.m.

22 The parties agree that the time between Thursday, July 1, 2010 and, July 15, 2010, is
23 excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), for continuity of
24 counsel and effective preparation by defense counsel.

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1 IT IS SO STIPULATED.

2 Dated: June 30, 2010

3 _____/s/
4 NICHOLAS P. HUMY
Assistant Federal Public Defender

5 Dated: June 30, 2010

6 _____/s/
7 BRAD PRICE
Special Assistant United States Attorney

8
9 ~~{PROPOSED}~~ **ORDER**

10 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
11 ORDERED that the status hearing shall be continued from Thursday, July 1, 2010 to Thursday,
12 July 15, 2010 at 9:00 a.m.

13 THE COURT FINDS that failing to exclude the time between July 1, 2010, and July 15,
14 2010, would unreasonably deny the defendant's continuity of counsel, and would unreasonably
15 deny counsel the reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

17 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
18 between July 1, 2010, and July 15, 2010, from computation under the Speedy Trial Act outweigh
19 the interests of the public and the defendant in a speedy trial.

20 THEREFORE, IT IS HEREBY ORDERED that the time between July 1, 2010, and July
21 15, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
22 3161(h)(8)(A) and (B)(iv).

23 IT IS SO ORDERED.

24 Dated: 7/1/10

25 _____
The Honorable Jeremy Fogel
United States District Court